

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.No. 28185 OF 1997

DATE: 7-3-2007

Between:

Shesh Nath Petitioner

And

1. Union of India rep. By its Secretary
for Defence, South Block, New Delhi and
4 others Respondents

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.No. 28185 OF 1997

ORDER:

Heard Sri S.Krishna, Learned Counsel for the petitioner and Sri K.G.Krishna Murthy, Learned Standing Counsel for the Central Government.

Petitioner questions the action of the respondents in denying him promotion to the rank of Naib Subedar and in retiring him from service on 31.10.1997 in the rank of Havaladar itself.

For promotion to the post of Naib Subedar, the annual confidential reports and ratings for five years is taken into consideration. The system of rating of persons is that below average is at the bottom, above the rating of below average is low average, above low average is average, above that is high average and above high average is above average. The rating of candidate as above average would mean that he is found more meritorious than a candidate who was rated as high average. On the ground that the reports for the year 1995-96 were not available, the petitioner's case could not be considered for promotion. However, one post was kept vacant to enable his case to be considered for promotion as and when the relevant records for the year 1995-96 were made available to the promotion committee.

It is specifically stated in the counter affidavit that, after the reports for the year 1995-96 were made available the promotion committee considered the case of the petitioner for promotion, that for being promoted to the post of Naib Subedar the candidate who is considered for promotion should have obtained above average rating for three years and high average rating for two years, whereas in the present case the petitioner had obtained ratings of above average only for two years and high average for three

years. On the ground that the petitioner had failed to procure the rating required for promotion as Naib Subedar for the relevant five year period, he was denied promotion to the said post. Since the method of rating is not under challenge in this writ petition, I see no reason to interfere when the petitioner was not found up to the mark for being promoted as Naib Subedar.

The writ petition fails and is accordingly dismissed. However, in the circumstances, without costs.

7-3-2007

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